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			2173	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/075,730	<b>Applicant(s)</b> MCKIRCHY, KAREN A.	
	<b>Examiner</b> Kieu D Vu	<b>Art Unit</b> 2173	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The Specification is objected since does not contain the information of the parent application.
2. The abstract is objected since it contains 2 paragraphs.

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Drawings***

3. The drawings are objected because of the following reasons:

Figure 1 contains blurred number.

Figures 2-3 contains blurred text.

### ***Claim Objections***

4. Claims 1-10 are objected to because of the following informalities:

Claim 1 has two periods. Each claim should end with a period, and periods may not be used elsewhere in the claim except for abbreviation. See MPEP 608.01(m).

In the rejection of claim 1, Examiner assumes the first period as a typographical error and that the claim ends after "a second level of sophistication."

Claims 2-10 depend on claim 1; therefore, claims 2-10 are objected on the same rationale applied to claim 1.

5. Claim 11-15 are objected to because the following informalities:

Claim 11 has typographical errors in lines 2 and 10. In line 2, the symbol ",'" should be deleted. In line 10, the word "oat" should be rewritten as "at".

Claims 12-15 depend on claim 11; therefore, claims 12-15 are objected on the same rationale applied to claim 1.

6. Regarding claim 10, the word "one" in line 1 of the claim should be changed to "1".

***Claim Rejections - 35 USC § 101***

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-10 and 16-20 are rejected under 35 U.S.C. 101

Regarding claim 1-10, the language of the claims raise a question as to whether the claimed method is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Regarding claims 16-20, the language of the claims is non-functional descriptive material. Furthermore, the "interactive learning system" as claimed does not belong into

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any one of four statutory categories (process, machine, manufacture, or composition of matter).

9. To expedite a complete examination of the instance application, the claims rejected under 35 USC 101 (non-statutory) above are further rejected as set forth below in anticipation of applicant amending these claims to place them within the four statutory categories of invention.

***Claim Rejections - 35 USC § 112***

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 7, the language "comprising" (in line 2 of the claim) claims an open set of attributes. This renders the claim indefinite.

Regarding claim 8, claim 8 depends on claim 7, therefore, it is rejected in the same rationale as applied to claim 7. Furthermore, claim 8 itself also contains the language "comprising" (line 2 of the claim 8) which claims an open set of attributes. This also renders the claim indefinite.

Regarding claim 9, the language "include" claims an open set of attributes. This renders the claim indefinite.

See MPEP 2173.05(h) for proper format of Markush groups.

***Claim Rejections - 35 USC § 102***

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12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1-4, 9-11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Hatakama et al ("Hatakama", USP 5774118).

Regarding claim 1, Hatakama teaches a method of providing instructional help to a user of an instructional program comprising presenting an interactive instructional program to the user (method of displaying help information matching characteristics of a user) (see column 2, lines 41-45), the program having a plurality of sections related to a subject (the program has several sections, for example, section for checking development of user skills, sections for displaying help information matching user skills) (see column 2, lines 41-45, lines 54-62) ; presenting, at selected times, instructional help options to the user related to a section (instructional help options: Entry level, Intermediate Level, or Proficient Level) (see Fig. 4) (see col 9, line 59 to col 10, line 3) (see col 6, lines 50-54); the help options including information presented to the user in a form perceivable by the user at a first level of sophistication (information presented to the user at entry level), information presented to the user in a form perceivable by the user at a second level of sophistication (information presented to the user at intermediate level) (see column 11, lines 7-12) (See Fig. 2 and Fig. 7).

Regarding claim 2, Hatakama teaches that the first level of sophistication comprises information at a first level of comprehension (first level of sophistication is entry level which comprises information at entry level) (see Fig. 2).

Regarding claim 3, Hatakama teaches that the second level of sophistication comprises information at a second level of comprehension (second level of sophistication is intermediate level which comprises information at intermediate level) (see Fig. 2).

Regarding claim 4, Hatakama teaches that the second level of comprehension is at a higher level than the first level of comprehension (information at intermediate level is more difficult to understand than information at entry level).

Regarding claim 9, Hatakama teaches that each level of sophistication has one detail of information attribute that differs from the other level of sophistication. For example, detail of information of entry level is different than the detail of information in intermediate level (see figures 2-4, col. 8, line 43 to col. 10, line 32).

Regarding claim 10, Hatakama teaches that information is presented to the user in a form perceivable by the user at least a third level of sophistication (information presented to the user at proficient level) (col 11, lines 7-17).

Regarding claim 11, Hatakama teaches an apparatus for providing instructional help to a user of an instructional program (device for displaying help information matching characteristics of a user) (see column 2, lines 41-45) comprising a computer including a digital information storage medium (see memory 3 in Fig. 1) and a software

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program (help-display displaying unit 11) (see Fig. 1) loaded on the digital storage medium (see Figure 1, col 4, lines 17-26)

the program comprising

(a) visual instructional information relating to a subject matter (help-displaying display unit shows help display on the display unit 12) (col 4, lines 39-40).

(b) a help module, the help module including audio visual help related to the subject matter at two levels of sophistication (help-displaying display unit is a module (col 4, lines 39-40), help-displaying display unit generates an appropriate help display for the user (col 6, lines 48-50), for example entry level or intermediate level (see col 9, line 59 to col 10, line 3)) (help information can be text, images, or voice) (see col 6, lines 6-13).

Regarding claim 14, Hatakama teaches that the two levels of sophistication include a first level (entry level) comprising a first textual content (information presented to the user at entry level) and a second level (intermediate level) comprising a second textual content (information presented to the user at intermediate level) (see col 11, lines 7-12) (also see Fig. 2 and Fig. 7).

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 5-8, 12-13, and 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakama and Cook et al ("Cook", USP 5727950).



Regarding claims 5 and 6, Hatakama teaches at least two levels of sophistication of the help information (entry level and intermediate level). Hatakama further teaches that help information can include voice (Hatakama, col 6, lines 6-13). Hatakama differs from the claim in that Hatakama does not teach that the first level of sophistication comprises a first type of voice and/or the second level of sophistication comprises a second type of voice. However, Cook teaches that plurality of voices/gestures/motions can be used in the tutoring system (help information) (see col 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col 6, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second type of voices in Hatakama's learning system with the motivation being to provide customized, individualized instructional helps to different people.

Regarding claim 7, Hatakama teaches that the help information can include voice (Hatakama, col 6, lines 6-13). Hatakama further teaches that the entry level of sophistication has certain attributes including entry-level, basic, low-educational attributes (see entry-level, basic, and low-educational operations such as conversion/non-conversion and cursor movement). Hatakama differs from the claim in that Hatakama does not clearly teach different voices that express these attributes. However, such features are found in Cook. First of all, Cook teaches the use of plural voices depending on different students (different levels), and different characters (see

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col 6, lines 13-16). Cook further teaches different emotional types including sad, objective, pleased, happy, disappointed, announce, remind, encourage, reinforce, model, prompt, hint, joke, and tutor, etc. These different emotional types would be conveyed by different voices (col 60, lines 5-14). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of different emotional types and voices to express certain attributes including one or more of entry-level, basic, low-educational attributes, summary fashion, brusque voice and deep voice in Hatakama's help system with the motivation being to aurally enhance the customization of entry-level help levels.

Regarding claim 8, Hatakama teaches that the help information can include voice (Hatakama, col 6, lines 6-13). Hatakama further teaches second level of sophistication has certain attributes including high educational, more complex language, detailed attributes (see intermediate-level, complex language, and high-educational operations such as Chinese character dictionary, word addition to dictionary, previous page/next page movement, and end-of-sentence operations). Hatakama differs from the claim in that Hatakama does not clearly teach different voices that express these attributes. However, such features are found in Cook. First of all, Cook teaches the use of plural voices depending on different students (different levels), and different characters (see col 6, lines 13-16). Cook further teaches different emotional types including sad, objective, pleased, happy, disappointed, announce, remind, encourage, reinforce, model, prompt, hint, joke, and tutor, etc. These different emotional types would be conveyed by different voices (col 60, lines 5-14). Thus, it would have been obvious to

one of ordinary skill in the art at the time the invention was made to use Cook's teaching of different emotional types and voices to express certain attributes including one or more of long, high educational, more complex language, detailed, relaxed voice in Hatakama's help system with the motivation being to aurally enhance the customization of intermediate help levels.

Regarding claim 12, Hatakama teaches at least two levels of sophistication of the help information (entry level and intermediate level). Hatakama further teaches that help information can include voice (Hatakama, col 6, lines 6-13). Hatakama differs from the claim in that Hatakama does not teach that the first level of sophistication comprises a first voice and the second level of sophistication comprises a second voice. However, Cook teaches that plurality of voices/gestures/ motions can be used in the tutoring system (help information) (see col 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col 6, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Hatakama's learning system with the motivation being to provide customized, individualized instructional helps to different people.

Regarding claim 13, Hatakama teaches that the two levels of sophistication include a first level (entry level) and a second level (intermediate level). Hatakama further teaches that help information can include motion images (Hatakama, col 6, lines

6-13). Hatakama does not teach that the first level of sophistication comprises a first character and a second level comprises a second character. However, the use of characters in instructional help technique is known in the art as taught by Cook. Specifically, Cook teaches an agent based instruction system which provide student with virtual tutors or on-screen agents (col 5, lines 21-24). The on-screen agents can appear as living entities appropriate for level of a student (for example, "Study Buddies" are on-screen agents of grade schoolers (first character for first level) or a coach is on-screen agent of an adult (second character for second level)) (see col. 5, line 67 to col 6, line 12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to apply Cook's teaching of using different characters for different levels and/or different students to provide a first character and a second character for the two levels in Hatakama's learning system with the motivation being to enhance customized and individualized instructional help method (Cook, col 5, lines 12-19).

Regarding claim 15, Hatakama teaches at least two levels of sophistication of the help information (entry level and intermediate level). Hatakama further teaches that help information can include voice (Hatakama, col 6, lines 6-13). Hatakama further teaches that the two levels of sophistication include a first level (entry level) comprising a first textual content (information presented to the user at entry level) and a second level (intermediate level) comprising a second textual content (information presented to the user at intermediate level) (see col 11, lines 7-12) (also see Fig. 2 and Fig. 7). Hatakama differs from the claim in that Hatakama does not teach that the first level of sophistication comprises a first voice and the second level of sophistication comprises a

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second voice. However, Cook teaches that plurality of voices/gestures/ motions can be used in the tutoring system (help information) (see col 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col 6, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Hatakama's learning system with the motivation being to provide customized, individualized instructional helps to different people.

Regarding claim 16, Hatakama teaches an interactive learning system (device for displaying help information matching characteristics of a user) (see column 2, lines 41-45) comprising a lesson in the form of audio visual information that can be viewable and perceivable by a user on a computer (help display on the display unit 12) (col 4, lines 39-40), help can be text, images, or voice (see col 6, lines 6-13), learning assistance that can be viewable and perceivable by a user on a computer, the learning assistance having two levels of sophistication (help-displaying display unit generates an appropriate help display for the user (col 6, lines 48-50), for example entry level or intermediate level (see col 9, line 59 to col 10, line 3)). Hatakama does not teach that the lesson and the learning assistance are on a CD-ROM. However, storing help information in a CD-ROM is known in the art as taught by Cook. Specifically, Cook teaches an agent based instruction system comprising student client system (see Fig. 2A) which provides students with virtual tutors or on-screen agents 9 (instructional/help

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information) (col 5, lines 21-24). Cook further teaches that the student client system can use CD-ROMs for storing information (col 16, lines 13-19) for the purpose of enhancing network efficiency in the case that the network has relatively low bandwidth.

Furthermore, the use of CD ROM also provides portability. Hatakama and Cook are in the same field of providing instructional help. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to apply Cook's teaching of storing instructional/help information on CDROM in Hatakama's interactive learning system with the motivation being to enhance network efficiency in case the network has relatively low bandwidth (Cook, col 16, lines 13-19) and provide portability.

Regarding claim 17, Hatakama teaches at least two levels of sophistication of the help information (entry level and intermediate level). Hatakama further teaches that help information can include voice (Hatakama, col 6, lines 6-13). Hatakama differs from the claim in that Hatakama does not teach that the first level of sophistication comprises a first voice and the second level of sophistication comprises a second voice. However, Cook teaches that plurality of voices/gestures/ motions can be used in the tutoring system (help information) (see col 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col 6, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Hatakama's learning system with the

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motivation being to provide customized, individualized instructional helps to different people.

Regarding claim 18, Hatakama teaches that the two levels of sophistication include a first level (entry level) and a second level (intermediate level). Hatakama further teaches that help information can include motion images (Hatakama, col 6, lines 6-13). Hatakama does not teach that the first level of sophistication comprises a first character and a second level comprises a second character. However, the use of plural characters in instructional help technique is known in the art as taught by Cook. Specifically, Cook teaches an agent based instruction system which provide student with virtual tutors or on-screen agents (col 5, lines 21-24). The on-screen agents can appear as living entities appropriate for level of a student (for example, "Study Buddies" are on-screen agents of grade schoolers or a coach is on-screen agent of an adult) (see col 6, lines 1-5). On-screen agents can be characters (col 10, lines 15). These characters are associated with different help agents of different levels. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural characters associated with plural agents for different help levels in Hatakama's learning system with the motivation being to provide customized, individualized instructional helps to different people.

Regarding claim 19, Hatakama teaches that the two levels of sophistication include a first level (entry level) comprising a first textual content (information presented to the user at entry level) and a second level (intermediate level) comprising a second textual content (information presented to the user at intermediate level) (see col 11, lines 7-12) (also see Fig. 2 and Fig. 7).

Regarding claim 20, Hatakama teaches at least two levels of sophistication of the help information (entry level and intermediate level). Hatakama further teaches that help information can include voice (Hatakama, col 6, lines 6-13). Hatakama further teaches that the two levels of sophistication include a first level (entry level) comprising a first textual content (information presented to the user at entry level) and a second level (intermediate level) comprising a second textual content (information presented to the user at intermediate level) (see col 11, lines 7-12) (also see Fig. 2 and Fig. 7).

Hatakama differs from the claim in that Hatakama does not teach that the first level of sophistication comprises a first voice and the second level of sophistication comprises a second voice. However, Cook teaches that plurality of voices/gestures/ motions can be used in the tutoring system (help information) (see col 6, lines 13-16) depending on the individual student. These voices/gestures/motions are associated with different help agents of different levels. For example, "Study Buddies" level are on-screen agents for grade schoolers, and coach level is on-screen agent of an adult (see col 6, lines 1-5). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Cook's teaching of using plural voices associated with plural agents for different help levels to provide first and second voices in Hatakama's learning system with the motivation being to provide customized, individualized instructional helps to different people.

16. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.



Kitahara (USP 5377319) teaches a help guidance method for utilizing an animated picture.

Palmer et al (USP 6577324) teaches an audiovisual help documentation system which allows user to easily access audiovisual or textual documentation related to an application.

Linnett et al (USP 5682469) teaches a software development platform which generates a user interface that adopts a real world metaphor. The user interface generates a personal character which is an animated guide that helps to assist the user in using the computer.

Nicol et al (USP 5297448) teaches a method for presenting help messages to a user in an interactive computer environment.

Wakamoto (USP 5810598) teaches a language learning system employing a first voice and a second voice to help the user practice conversation with the selected speaker in place of the non-selected speaker.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

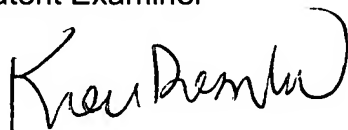
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571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

A handwritten signature in black ink, appearing to read "Kieu D. Vu", written in a cursive style.